

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

September 15, 2009

3:30 P.M. SCHEDULED SESSION

3:36 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Harold Collins.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Father Albert Kirk from Church of Holy Spirit. Councilman Boyd presented Father Kirk with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of September 1, 2009 with the following motion:

MOTION: Fullilove
SECOND: Ford
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland, Ware and Chairman Collins
Conrad and Halbert did not cast a vote

APPROVED

3. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON DELP STREET AT-GRADE RAILROAD CROSSING, SOUTH OF PIDGEON ROOST ROAD, CONTAINING .40 ACRES.**

Case No. SAC 09-606

Held until October 6, 2009

1. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF MACON ROAD; +/- 1,117 FEET EAST OF HOUSTON LEVEE ROAD, CONTAINING 8.45 ACRES IN AN AREA CURRENTLY GOVERNED BY CORDOVA RIDGE P.D., 3RD AMENDMENT (P.D. 01-331CC).**

Case No. PD 09-302cc

Applicant: Community Bank N.A.
Solomito Land Planning – Representative

Request: Plan amendment to create Parcel 1-B to allow self-service mini-storage warehouses in Parcel 1 of the Outline Plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

MOTION: Morrison

SECOND: Boyd

AYES: Boyd, Brown, Fullilove, Hedgepeth, Strickland, Ware and Chairman Collins
Conrad, Flinn, Ford, Halbert and Morrison did not cast a vote

APPROVED

2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF MACON ROAD AND MACON VIEW DRIVE, CONTAINING 6.93 ACRES IN AN AREA CURRENTLY GOVERNED BY WOODLAND HILLS P.D., 9TH AMENDMENT (PD. 05-381CC).**

Case No. PD 09-313cc

Applicant: Ethridge Enterprises
Harkavy-Shainberg-Kaplan-Dunstan, PLC – Representative

Request: Plan amendment to Parcel 5 to allow limited Planned Commercial (C-P) District land uses

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

MOTION: Morrison
SECOND: Boyd
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Collins

APPROVED, as amended

4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE WEST SIDE OF W. MASSEY ROAD, +/- 318.9 FEET NORTH OF LENDENWOOD ROAD, CONTAINING 22.22 ACRES IN THE SINGLE FAMILY RESIDENTIAL(R-S15) DISTRICT.**

Case No. SUP 09-208

Applicant: Lausanne Collegiate School (Stuart McCathie, Headmaster)
The Crump Firm, (Jeff Spears) – Representative

Request: Addition of lighting and bleachers in association with ball fields

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Morrison
SECOND: Ford
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Collins
Conrad did not cast a vote

APPROVED, as amended

CONSENT AGENDA – Items 5 – 9 & #50 may be acted upon by one motion: SEE PAGE 3030 FOR ROLL CALL

5. **ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI, DIVISION 3, OF THE CODE OF ORDINANCES, SO AS TO REDUCE THE NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE CIVIL DAMAGES AND ADD NOTIFICATION PROCESS OF ALARM USERS OPERATING WITHOUT A PERMIT, UP FOR F I R S T READING.**

Ordinance No. 5328

APPROVED, on First reading

6. **ORDINANCE TO REVISE CHAPTER 15, SECTION 15-11(D), OF THE CITY OF MEMPHIS CODE OF ORDINANCES, PERTAINING TO THE DIMENSIONS OF LIMBS AND LOGS COLLECTED BY THE CITY OF MEMPHIS, UP FOR F I R S T READING.**

Ordinance No. 5329

Director of Public Works recommends approval

APPROVED, on First reading

7. **ORDINANCE TO REVISE CHAPTER 15, SECTION 15-19(A), OF THE CITY OF MEMPHIS CODE OF ORDINANCES, PERTAINING TO THE REMOVAL OF CONSTRUCTION AND DEMOLITION DEBRIS BY PROPERTY OWNERS, UP FOR F I R S T READING.**

Ordinance No. 5330

Director of Public Works recommends approval

APPROVED, on First reading

8. **RESOLUTION APPROVING FINAL PLAT OF RAINES MCCAIN SUBDIVISION, PART OF PARCEL 68.**

Case No. S 99-025

Resolution approves the final plat located on the northeast corner of McCain and Raines Road.

City Engineer recommends approval

APPROVED

9. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 09-316 – Galleria of Memphis P.D., 3rd Amendment
B. Case No. PD 09-317 – Rockgate Center P.D., Amended

Public Hearing Set for October 6, 2009

50. **ORDINANCE TO AMEND CABLE FRANCHISE ORDINANCE NO. 4159, EXTENDING THE FRANCHISE ORDINANCE AS AMENDED, UP FOR F I R S T READING.**

Ordinance No. 5331

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Boyd
AYES: Boyd, Brown, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Collins
Flinn did not cast a vote

APPROVED**MLGW FISCAL CONSENT – Items 10 - 26 may be acted upon by one motion:**

10. **RESOLUTION AWARDDING CONTRACT NO. 11352, EXTERNAL AUDITING SERVICES, TO THOMPSON DUNAVANT IN THE FUNDED AMOUNT OF \$856,000.00.**

APPROVED

11. **RESOLUTION AWARDDING CONTRACT NO. 11358, MLGW UNIVERSITY/TRAINING CENTER CHAIN LINK FENCE, TO SOUTH MEMPHIS FENCE COMPANY, INC. IN THE FUNDED AMOUNT OF \$25,956.00.**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 10681, PEAK PERIOD CALL MANAGEMENT SYSTEM, WITH TWENTY FIRST CENTURY COMMUNICATION, INC., IN THE FUNDED AMOUNT OF \$114,511.63. (THIS COVERS PAYMENT OF INVOICES FOR WORK PERFORMED DURING THE STORM RESTORATION OF JUNE 12, 2009).**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 21 TO CONTRACT NO. 10780, ELECTRIC CONSTRUCTION AND MAINTENANCE, WITH ALLIED ELECTRICAL CONTRACTORS, LLC, IN THE FUNDED AMOUNT OF \$29,146.07. (THIS COVERS PAYMENT OF INVOICES FOR WORK PERFORMED DURING THE STORM RESTORATION OF JUNE 12, 2009).**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 8 TO CONTRACT NO. 10783, EMERGENCY AID AGREEMENT, WITH DILLIARD SMITH CONSTRUCTION, IN THE FUNDED AMOUNT OF \$660,328.55. (THIS COVERS EMERGENCY RESTORATION WORK ON MLGW'S ELECTRIC SYSTEM DUE TO THE STORM OF JUNE 12, 2009).**

APPROVED

15. **RESOLUTION APPROVING CHANGE NO. 8 TO CONTRACT NO. 11013, LINE CLEARANCE, WITH BLUME TREE SERVICES IN THE FUNDED AMOUNT OF \$996,575.28. (THIS COVERS PAYMENT OF INVOICES FOR WORK PERFORMED DURING THE STORM RESTORATION OF JUNE 12, 2009).**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11071, EMERGENCY STORM RESTORATION, WITH DAVIS H. ELLIOT CONSTRUCTION COMPANY, INC., IN THE FUNDED AMOUNT OF \$1,393,341.47. (THIS COVERS EMERGENCY RESTORATION WORK ON MLGW'S ELECTRIC SYSTEM DUE TO THE STORM OF JUNE 12, 2009).**

APPROVED

17. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11192, PEST CONTROL, WITH TERMINIX IN THE FUNDED AMOUNT OF \$211,554.00. (THIS RENEWS THE CONTRACT FOR THE SECOND, THIRD AND FOURTH RENEWAL TERMS, NOVEMBER 1, 2009 TO OCTOBER 31, 2012, WITH NO INCREASE IN RATES).**

APPROVED

18. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11274, EMERGENCY STORM RESTORATION, WITH HENKELS & MCCOY, INC., IN THE FUNDED AMOUNT OF \$127,262.64. (THIS COVERS EMERGENCY RESTORATION WORK ON MLGW'S ELECTRIC SYSTEM DUE TO THE STORM OF JUNE 12, 2009).**

APPROVED

19. **RESOLUTION AWARDED CONTRACT FOR HP SAN SWITCHES AND RELATED SERVICES TO UNISTAR-SPARCO COMPUTERS, INC. IN THE AMOUNT OF \$93,376.00.**

APPROVED

20. **RESOLUTION AWARDED CONTRACT FOR AIR DISCONNECT SWITCHES TO ROYAL SWITCHGEAR MANUFACTURING COMPANY IN THE AMOUNT OF \$122,825.00.**

APPROVED

21. **RESOLUTION AWARDED CONTRACT FOR CIRCUIT BREAKERS TO ABB POWER T & D C/O WESCO IN THE AMOUNT OF \$262,120.00.**

APPROVED

22. **RESOLUTION AWARDED 36-MONTH CONTRACT FOR FIRE HYDRANTS TO MUELLER COMPANY, LTD. IN THE AMOUNT OF \$1,469,400.00.**

APPROVED

23. **RESOLUTION AWARDING 12-MONTH CONTRACT FOR DUCTILE IRON PIPE TO GRIFFIN PIPE PRODUCTS COMPANY IN THE AMOUNT OF \$2,314,470.00.**

APPROVED

24. **RESOLUTION AWARDING 24-MONTH CONTRACT FOR LUMINARIES TO H D SUPPLY COMPANY IN THE AMOUNT OF \$2,700,511.01.**

APPROVED

25. **RESOLUTION AWARDING 36-MONTH CONTRACT FOR CRUSHED LIMESTONE TO FULLEN DOCK AND WAREHOUSE IN THE AMOUNT OF \$5,913,400.00.**

APPROVED

26. **RESOLUTION APPROVING PAYMENT TO JD POWER AND ASSOCIATES FOR THE 2009 ELECTRIC RESIDENTIAL STUDY IN THE AMOUNT OF \$24,000.00. (\$17,500.00 WAS PREVIOUSLY PAID TO JD POWER FOR THE 2009 ELECTRIC UTILITY BUSINESS CUSTOMER SATISFACTION STUDY, BRINGING THE TOTAL TO \$41,500.00).**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Ware
SECOND: Ford
AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland,
Ware and Chairman Collins
Brown did not cast a vote

APPROVED

(Councilman Morrison withdrew his resolution to have City Attorney Elbert Jefferson removed from his position).

(Councilman Flinn made a motion to accept Mayor Pro Tem Myron Lowery's resolution, urging the removal of City Attorney Elbert Jefferson).

(Special Item #1- Councilman Flinn's motion)

MOTION: Flinn
SECOND: Strickland
AYES: Boyd, Flinn, Hedgepeth and Strickland
NAYS: Brown, Conrad, Ford, Fullilove, Halbert, Morrison and Ware
Chairman Collins recused

Flinn's motion FAILED

27. **APPOINTMENTS**
Flinn

Civil Service Commission

Reappointment

Edward A. Bumpus

Landmarks Commission

Appointment

Stanley E. Hyland

Youth Guidance Commission

Appointment

Kenya Nicole Bradshaw
Rodney Lomax

Memphis & Shelby County Building Code Advisory Board

Appointment

Brent R. David

Memphis & Shelby County Board of Equalization

Reappointment

Lilly White

Memphis & Shelby County Convention Center Commission

Reappointment

Wayne D. Tabor

Memphis & Shelby County Electrical Code Board

Appointment

James V. Weatherington

Memphis & Shelby County Land Use Control Board

Reappointment

James Toles

Memphis & Shelby County New Arena Public Building Authority

Reappointment

Kevin Kane

Chairman Collins recognized the following people who spoke from the audience:

J.D. Sewell, 638 Jefferson, Memphis, TN. 38105

Bill Hawkins, 4000 Clearpool Circle, Memphis, TN. 38118

MOTION: Flinn

SECOND: Strickland

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Strickland,
Ware and Chairman Collins

Halbert and Morrison did not cast a vote

APPROVED

(Joseph N. Saino's appointment was voted on separately – Special Item #2)

Pension Board

Appointment

Joseph N. Saino

MOTION: Flinn

SECOND: Strickland

AYES: Boyd, Conrad, Flinn, Hedgepeth, Morison and Strickland

NAYS: Brown, Ford, Fullilove, Ware and Chairman Collins
Halbert did not cast a vote

FAILED

28. **ORDINANCE FIXING TAX RATE OF THE CITY OF MEMPHIS FOR THE BOARD OF EDUCATION OF THE MEMPHIS CITY SCHOOLS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 7/7; 7/21; 8/4; 8/18;9/1)**

Ordinance No. 5319

Held until October 6, 2009

29. **ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 3, OF THE CODE OF ORDINANCES, TO ESTABLISH REQUIREMENTS FOR A CITY OF MEMPHIS FLEET AND EMPLOYEE TAKE HOME VEHICLES, UP FOR T H I R D AND F I N A L READING. (HELD FROM 8/4; 8/18; 9/1)**

Ordinance No. 5323

Held until December 1, 2009

30. **ORDINANCE AMENDING CHAPTER 2, ARTICLE 1, SECTION 2-10 OF THE CODE OF ORDINANCES SO AS TO AMEND THE MEMBERSHIP REQUIREMENTS OF THE BOARD OF ETHICS OF THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5327

MOTION: Boyd
SECOND: Flinn
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Hedgepeth, Strickland, Ware and Chairman Collins
Conrad, Halbert and Morrison did not cast a vote

APPROVED

31. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE RAPID RESPONSE JOINT APPRENTICESHIP PROGRAM FUNDS. RESOLUTION ALSO AMENDS THE FY 2010 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Strickland
SECOND: Ford
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Strickland, Ware and Chairman Collins
Halbert, Hedgepeth and Morrison

APPROVED

32. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE DISABILITY PROGRAM NAVIGATORS FUNDS. RESOLUTION ALSO AMENDS THE FY 2010 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Strickland

SECOND: Ford

AYES: Brown, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Strickland, Ware and Chairman Collins
Boyd, Halbert and Morrison did not cast a vote

APPROVED

33. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF TWENTY THREE THOUSAND NINE HUNDRED THIRTY NINE DOLLARS (\$23,939.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE STATEWIDE ACTIVITIES AND ADMINISTRATIVE FUNDS. RESOLUTION ALSO AMENDS THE FY 2010 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Strickland

SECOND: Ford

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Strickland, Ware and Chairman Collins
Halbert and Morrison did not cast a vote

APPROVED

34. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE STATEWIDE ACTIVITIES ADMINISTRATION FUNDS. RESOLUTION ALSO AMENDS THE FY 2010 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Strickland

SECOND: Ford

AYES: Boyd, Brown, Flinn, Fullilove, Hedgepeth, Strickland and Ware
Conrad, Ford, Halbert, Morrison and Chairman Collins did not cast a vote

APPROVED

35. **RESOLUTION APPROPRIATING \$550,000.00 IN G.O. BONDS FROM THE FISCAL YEAR 2010 CIP BUDGET TO PURCHASE FIRE FIGHTING TURNOUTS/FIRE PROTECTIVE ENSEMBLE DESIGNATED FOR THE ANNUAL PROCUREMENT OF PROTECTIVE CLOTHING FOR THE DIVISION OF FIRE SERVICES.**

MOTION: Hedgepeth
SECOND: Fullilove
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Strickland, Ware and Chairman Collins
Halbert and Morrison did not cast a vote

APPROVED

36. **RESOLUTION APPROPRIATING \$1,507,428.00 IN G.O. BONDS FROM THE FISCAL YEAR 2010 CIP BUDGET FOR FIRE STATION REPAIR, CIP PROJECT NUMBER FS02001.**

MOTION: Hedgepeth
SECOND: Boyd
AYES: Boyd, Brown, Ford, Fullilove, Strickland, Ware and Chairman Collins
Conrad, Flinn, Halbert, Hedgepeth and Morrison did not cast a vote

APPROVED

37. **RESOLUTION APPROPRIATING \$700,000.00 IN G.O. BONDS FROM THE FISCAL YEAR 2010 CIP BUDGET TO PURCHASE DEFIBRILLATOR/MONITORS FOR ALL ADVANCED LIFE SUPPORT COMPANIES FOR THE DIVISION OF FIRE SERVICES.**

MOTION: Hedgepeth
SECOND: Strickland
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Strickland, Ware and Chairman Collins
Halbert and Morrison did not cast a vote

APPROVED

38. **RESOLUTION APPROPRIATING \$300,000.00 IN G.O. BONDS FROM THE FISCAL YEAR 2010 CIP BUDGET TO PURCHASE AIRMASK SYSTEM UNITS AND ACCESSORIES FOR THE DIVISION OF FIRE SERVICES.**

MOTION: Hedgepeth
SECOND: Ford
AYES: Boyd, Brown, Conrad, Flinn, Fullilove, Hedgepeth, Strickland, Ware and Chairman Collins

Ford, Halbert and Morrison did not cast a vote

APPROVED

39. **RESOLUTION APPROPRIATING \$155,000.00 IN FURNITURE FIXTURE AND EQUIPMENT FOR FIRE STATION REPAIR, CIP PROJECT NUMBER FS02001.**

MOTION: Hedgepeth

SECOND: Fullilove

AYES: Brown, Conrad, Ford, Fullilove, Hedgepeth, Strickland, Ware and
Chairman Collins

Boyd, Flinn, Halbert and Morrison did not cast a vote

APPROVED

40. **RESOLUTION APPROPRIATING \$2,331,000.00 FUNDED BY G.O. BONDS GENERAL FROM AMERICANS WITH DISABILITIES, CIP PROJECT NUMBER GS01010 FOR THE COMPLIANCE OF CITY OF MEMPHIS FACILITIES.**

MOTION: Boyd

SECOND: Brown

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison,
Strickland, Ware and Chairman Collins

Halbert did not cast a vote

APPROVED

41. **RESOLUTION APPROPRIATING \$480,000.00 IN CONTRACT CONSTRUCTION FUNDED BY G.O. BONDS GENERAL IN GS01001, CITY HALL IMPROVEMENTS, FOR RENOVATIONS AND EQUIPMENT UPGRADES TO CITY HALL IN ORDER TO PROVIDE A HEALTHY AND SAFE ENVIRONMENT FOR EMPLOYEES AND CITIZENS.**

MOTION: Boyd

SECOND: Brown

AYES: Boyd, Brown, Conrad, Fullilove, Hedgepeth, Strickland, Ware and Chairman
Collins

Flinn, Ford, Halbert and Morrison did not cast a vote

APPROVED

42. **RESOLUTION APPROPRIATING \$59,000.00 FUNDED BY G.O. BONDS GENERAL FROM CITY-WIDE ENERGY MODIFICATIONS, CIP PROJECT GS01003 FOR THE PROVISION OF ENERGY SAVING IMPROVEMENTS AND MODIFICATIONS AT CITY OF MEMPHIS FACILITIES.**

MOTION: Boyd
SECOND: Brown
AYES: Boyd, Brown, Conrad, Flinn, Fullilove, Hedgepeth, Strickland and Ware
Ford, Halbert, Morrison and Chairman Collins did not cast a vote

APPROVED

43. **RESOLUTION APPROPRIATING \$3,291,000.00 FUNDED BY G.O. BONDS GENERAL FROM MAJOR MODIFICATIONS AND IMPROVEMENTS, CIP PROJECT NUMBER GS01007 FOR THE MAINTENANCE AND ENHANCEMENT OF CITY OF MEMPHIS FACILITIES.**

MOTION: Boyd
SECOND: Fullilove
AYES: Boyd, Brown, Conrad, Flinn, Fullilove, Hedgepeth, Strickland, Ware and Chairman Collins
Ford, Halbert and Morrison did not cast a vote

APPROVED

44. **RESOLUTION ACCEPTING AN OFFER TO PURCHASE CITY-OWNED PROPERTY IDENTIFIED AS PARCEL NUMBER 060-059-00010 IN THE AMOUNT OF \$450.00. ALL THE PROPERTY DESCRIBED IN CHANCERY COURT #9413-3, EXHIBIT 5644, TAX SALE 5, IDENTIFIED AS WARD 060, BLOCK 059, PARCEL 010, IN THE SHELBY COUNTY ASSESSOR'S OFFICE AND SHOWN IN DEED RECORDED AS 4633, PAGE 146 IN THE SHELBY COUNTY REGISTER'S OFFICE, ALSO KNOWN AS LOT 25, DILATUSH AND CRANE SUBDIVISION OF THE DENSOMB TRACT AND LOCATED ON THE SOUTH SIDE OF DUNN AVENUE BETWEEN INTERSTATE 240 AND SOUTH PARKWAY IN MEMPHIS, TENNESSEE. SAID VACANT PROPERTY, FORMERLY KNOWN FOR ADDRESS PURPOSES AS 1535 DUNN AVENUE, IS 50'X 190' AND CONTAINS 9,500 SQUARE FEET, MORE OR LESS. RESOLUTION ALSO AUTHORIZES THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS IN CONNECTION WITH THE SALE.**

MOTION: Boyd
SECOND: Brown
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Morrison, Strickland, Ware and Chairman Collins
Halbert and Hedgepeth did not cast a vote

APPROVED

45. **RESOLUTION APPROVING THE SALE OF UNIMPROVED PROPERTY IN THE AMOUNT OF \$1,000.00 LOCATED ON THE NORTHWEST CORNER OF MIDWAY ROAD AND HOLLYWOOD STREET AND IDENTIFIED BY THE SHELBY COUNTY ASSESSOR'S OFFICE AS WARD 041, BLOCK 063, PARCEL 019, ALSO KNOWN AS**

LOT 23, BLOCK 2, BELMONT PARK SUBDIVISION. THIS PARCEL FORMERLY FRONTED BELMONT CIRCLE; A PORTION OF THE PARCEL WAS TAKEN FOR HOLLYWOOD STREET TO BE EXTENDED. THE REMAINDER OF THE PROPERTY CONTAINS 3,702 SQUARE FEET, MORE OR LESS.

Director of General Services and City Engineer recommends approval

(Councilwoman Ware made a motion to hold this item for 2 weeks, this motion failed, due to the lack of a second)

MAIN MOTION: Boyd
SECOND: Strickland
AYES: Boyd, Conrad, Flinn, Ford, Morrison, Strickland, Ware and Chairman Collins
Brown, Fullilove, Halbert and Hedgepeth did not cast a vote

APPROVED

46. RESOLUTION APPROPRIATING \$310,600.00 FOR POLICE ACADEMY RENOVATIONS, CIP PROJECT NUMBER PD01006.

Council did include the Police Academy Renovations, CIP Project Number PD01006 as part of the FY 2009 Capital Improvement Budget. Bids were received on June 26, 2009 with the best complying bid from P.C. Mock Construction Company in the amount of \$287,600.00, plus contingency amount of \$23,000.00 for a total of \$310,600.00.

MOTION: Hedgepeth
SECOND: Conrad
AYES: Boyd, Conrad, Flinn, Ford, Hedgepeth, Morrison, Strickland, Ware and Chairman Collins
Brown, Fullilove and Halbert did not cast a vote

APPROVED

47. RESOLUTION APPROPRIATING \$1,297,777.00 FUNDED BY G.O. BONDS GENERAL (STORM WATER) IN CURB GUTTER MISCELLANEOUS LOCATIONS 2009, PROJECT NUMBER ST04044 FOR A CONSTRUCTION CONTRACT WITH BARNES AND BROWER TO REPLACE CURBS AND GUTTERS AT VARIOUS LOCATIONS.

MOTION: Boyd
SECOND: Fullilove
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland, Ware and Chairman Collins
Conrad and Halbert did not cast a vote

APPROVED

48. **ORDINANCE TO AMEND CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, TO MODIFY SECTION 21-80 (B) OF THE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM REQUIREMENTS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 8/18; 9/1)**

Ordinance No. 5325

MOTION: Hedgepeth
SECOND: Boyd
AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Strickland, Ware and Chairman Collins
NAYS: Brown and Morrison
Halbert did not cast a vote

APPROVED

49. **RESOLUTION APPROPRIATING \$750,000.00 IN MATCHING GRANT FUNDS TO THE FAMILY SAFETY CENTER.**

MOTION: Conrad
SECOND: Strickland
AYES: Boyd, Brown, Conrad, Flinn, Ford, Hedgepeth, Morrison, Ware and Chairman Collins
Fullilove, Halbert and Strickland did not cast a vote

APPROVED

51. **RESOLUTION ESTABLISHING A METROPOLITAN GOVERNMENT CHARTER COMMISSION, AUTHORIZING THE MAYOR TO APPOINT MEMBERS; ESTABLISHING A VETTING PROCESS; REQUESTING THE COUNTY COMMISSION ADOPT A SIMILAR RESOLUTION; AMENDING THE FY2010 OPERATING BUDGET; AND APPROPRIATING FUNDS.**

(Councilman Conrad made a motion to this item, but it FAILED, due to the lack of a second).

MAIN MOTION: Flinn
SECOND: Strickland
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland, Ware and Chairman Collins
Halbert did not cast a vote

APPROVED

(Special Item #3 – Same Night Minutes for Items #12, #13, #14, #15, #16, #18 & #49, from tonight's meeting)

MOTION: Ware
SECOND: Fullilove
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Strickland, Ware and Chairman Collins
Conrad, Halbert, Hedgepeth and Morrison did not cast a vote

Special Item #3 - APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Collins recognized the following people who spoke from the audience:

Bill Hawkins, 4000 Clearpool Circle, Memphis, TN. 38118
David Moore, 3412 Park, Memphis, TN. 38111
Ray E. Smith, 4817 Fairley, Memphis, TN. 38109
Walter Broady, 4256 Ledbetter Cove, Memphis, TN. 38109

ADJOURNED MEETING AT 6:17 P.M.

.....
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records